

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of

Use of Portions of Returned 2 GHz Mobile Satellite Service Frequencies

IB Docket No. 05-221

**Reply to Comments filed on behalf of Sirius Satellite Radio<sup>1</sup>**

I support the proposal by Sirius Satellite radio to allocate the MSS frequencies to the satellite radio providers. However, since there are two capable satellite radio providers, I strongly urge the FCC to divide of the available frequency between XM and Sirius.

Both Sirius and XM were allocated a minimal amount of frequency to implement satellite radio services (12.5 MHz each). In order to achieve adequate reception for mobile receivers, the providers implemented spatial, time, and frequency diversity schemes. These reduced the effective frequency to approximately 4 MHz each. This diversity, however, makes satellite radio useful for many critical communications.

In this 4MHz or so, both companies are able to provide approximately 65 music channels plus a variety of news, talk, and sports shows. In addition, both improve public safety by providing listeners with traffic and weather reports and as well as Amber alerts. Both have pledged participation in the Emergency Alert System (EAS). In this small amount of frequency, both companies provide an incredible value to the American people. They are capable of much, much more.

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<sup>1</sup> Comments filed July 29, 2005 on behalf of Sirius Satellite Radio by attorneys Richard E. Wiley et al

XM goes a step further by providing data services to emergency responders, pilots, and motorists. They are also cooperating with the military on systems that could improve national security and emergency preparedness for disasters, natural or manmade. XM has also proved to be more efficient in their use of the spectrum, providing significantly more throughput in their allotted frequency. This is important to note when considering the allocation of additional frequency.

The allotted frequencies of both XM and Sirius are also being stretched by the desire to increase the span of their coverage. Both will likely enter the Canadian market. As such, both will have to provide Canadian content at the expense of the existing channels. One can imagine the same scenario for Mexico. In addition, there are many languages throughout North America that are underserved where satellite radio would be a benefit, if only the frequency were available. The EAS, national security and emergency preparedness, Amber alerts, and people of all languages, could all benefit by North American coverage. In addition, there are many exciting opportunities such as mobile video, music downloading, and customized data services that could benefit the public. To accomplish all this, the satellite radio providers need more frequency. It is as simple as that.

There are many other public services such as educational channels that could be provided. I would even advocate that XM and Sirius both be mandated to provide channels such as National Public Radio (NPR) free of charge for anyone willing to buy the hardware as a condition of receiving this additional frequency.

It should be noted that Sirius never provided a compelling argument of why they should be the sole beneficiary of this frequency. It is true that XM has not, to the best of

my knowledge, expressed an interest. This is not evidence of any lack of interest. If the FCC so decides that this frequency should be allocated to the satellite radio providers, it should at least be offered to both companies. If XM is not interested, then by all means, Sirius should be offered the totally of the available frequency.

In short, the satellite radio providers need the opportunity for more frequency. They have demonstrated that they are good stewards of the public airwaves and have provided incredible value to the public.

In conclusion, I propose that the available frequency be divided into thirds, with one third offered to XM and one third offered to Sirius, with the remaining third divided between the two companies according to their ability to contribute to national security and emergency preparedness, the EAS, and public service channels. Consideration should also be given for how efficiently each uses its present frequency.

Thank you for the opportunity to express my views.

Sincerely,

Bert W. King

Dated: August 14, 2005